

Message Text

SECRET

PAGE 01 USUN N 01525 130234Z

66

ACTION DLOS-04

INFO OCT-01 IO-13 ISO-00 AF-06 ARA-06 EA-07 EUR-12 NEA-10

ACDA-07 AGR-05 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00

CIEP-01 COME-00 DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05

FMC-01 TRSE-00 H-02 INR-07 INT-05 JUSE-00 L-03

NSAE-00 NSC-05 NSF-01 OES-06 OMB-01 PA-01 PM-04

PRS-01 SP-02 SS-15 SAL-01 USIE-00 SSO-00 INRE-00

NSCE-00 SAM-01 (ISO) W

----- 041201

O 130134Z APR 76 ZFF-4

FM USMISSION USUN NY

TO AMEMBASSY MADRID NIACT IMMEDIATE

SECSTATE WASHDC PRIORITY 6835

S E C R E T USUN 1525

MADRID DELIVER TO AMBASSADOR AT 9 AM LOCAL

FROM LOS DEL

E.O. 11652: GDS

TAGS: PLOS

SUBJ: LOS: APPROACH TO GOS ON LOS

REF: (A) MADRID 2782; (B) MADRID 2847

1. SUMMARY: US DEL MET WITH SPANISH DEL AND COVERED BROAD RANGE OF NAVIGATIONAL ISSUES IN CONTEXT OF LOS CONFERENCE. SPANISH EXPRESSED DESIRES IN REGARD TO ARCHIPELAGIC STATUS FOR CANARIES AND BALEARICS. US DEL COVERED REASONS US COULD NOT SUPPORT AND DELINEATED REASONS SUCH STATUS COULD BE INIMICAL TO SPANISH INTERESTS. END SUMMARY.

SECRET

SECRET

PAGE 02 USUN N 01525 130234Z

2. US DEL (AMB. LEARSON, MR. OXMAN, ADMIRAL MORRIS) MET WITH SPANISH DEL HEADED BY AMB. HERRERO. SPANISH DEL EXPRESSED HOPE THAT THEIR PROPOSED AMDNEMENTS TO STRAITS TEXT WOULD BE ADEQUATE TO MEET US CONCERNS. US DELS INDICATED THAT THEY APPRECIATED SPANISH HAD MOVED BUT THAT OVERFLIGHT AND SUBMERGED TRANSIT OMISSIONS UNACCEPTABLY FLAWED ANY POSSIBILITY OF ACCOMMODATION. FURTHER POINTED OUT THAT GENEVA TEXT PROVIDED FULL ASSURANCES TO STRAITS STATES ON LEGITIMATE SECURITY AND POLLUTION CONCERNS. SPANISH PROMISED TO STUDY EXISTING TEXT MORE CAREFULLY WITH AMBASSADOR PINIES (SPANISH UN PERM REP) MAKING ASIDE COMMENT THAT IT QUOTE APPEARED THAT THERE WAS NO WAY TO STOP TRANSIT PASSAGE ARTICLES IN A TREATY UNQUOTE.

3. SPANISH THEN RAISED QUESTION OF US POSITION ON ARCHIPELAGIC STATUS FOR ISLAND GROUPS OF CONTINENTAL STATES. HERRERO STATED THEY FELT IT IMPORTANT TO GAIN AS MUCH AS POSSIBLE FOR ISLAND IN ORDER TO REDUCE INCIPIENT SEPARATIST SENTIMENT. US DEL OXMAN GAVE THOROUGH EXPLANATION OF US INTERPRETATION OF SNT AND US VIEWS OF NEGOTIABILITY OF ARCHIPELAGIC SECTION. THIS INCLUDED FACT THAT EXTENSION OF CONCEPT TO ANY ISLAND GROUP OTHER THAN OCEANIC ISLAND STATES PER SE' WOULD OPEN UP ENTIRE COASTAL ARCHIPELAGIC ISSUE. SUCH WOULD CREATE PROBLEMS SUCH AS CLOSURE OF AEGEAN, INDIAN CLAIMS ON STATUS OF ANDAMAN/NICOBAR ISLANDS AND A HOST OF OTHER WIDE CLAIMS WHICH WOULD POLARIZE THE CONFERENCE. NOT ONLY US BUT SOVIETS AND OTHER MARITIMES COULD NOT ACCEPT SUCH BROAD AND NUMEROUS CLAIMS, AND POINTED OUT THAT INDONESIA AND ITS GROUP ALSO OPPOSE ANY EXTENSION TO OTHER THAN ISLAND STATES; I.E., THAT ONLY A STRICTLY LIMITED APPLICATION CAN GAIN WIDE ACCEPTANCE.

4. OXMAN AND MORRIS THEN POINTED OUT THAT IN FACT ARCHIPELAGIC STATUS WAS SUBSTANTIVELY AND POLITICALLY LESS DESIRABLE FOR SPANISH ISLANDS THAN INSURING TERRITORIAL SEAS AND FULL ECONOMIC ZONES FOR THEM. FOR FISHING, A MAJOR ECONOMIC FACTOR ACCORDING TO SPANISH, ARCHIPELAGOS MUST GIVE NEIGHBORING STATES'S FISHERMEN GREATER RIGHTS IN ARCHIPELAGIC WATERS THAN IF THEY WERE ECONOMIC

SECRET

SECRET

PAGE 03 USUN N 01525 130234Z

ZONES. THIS IS MADE ABUNDANTLY CLEAR BY COMPARING ART 122 (ARCHIPELAGIC FISHING RIGHTS) WITH PROBABLE OUTCOME OF ARTS 50-60 ON ECONOMIC ZONE. IN FORMER CASE ARCHIPELAGIC STATES ARE REQUIRED TO RECOGNIZE TRADITIONAL FISHING RIGHTS; IN ECONOMIC ZONES THIS IS NOT THE CASE. REASON IS THAT ARCHIPELAGIC STATES WILLING TO GO EASY ON NEIGHBOR'S FOREIGN FISHING (INDONESIA VIS-A-VIS SINGAPORE, THAILAND, ETC.) IN ORDER TO GAIN SUPPORT FOR CONCEPT. SPANISH INDICATED

GREAT INTEREST AND COMMENTED THEY HAD NOT CAUGHT THIS SUBSTANTIVE DIFFERENCE ON FISHING RIGHTS AND WOULD STUDY.

5. ON POLITICAL SIDE OXMAN AND MORRIS CALLED ATTENTION TO MEANING OF ART 117 2.(B) WHICH DEFINES AN ARCHIPELAGO AS QUOTE A GROUP OF ISLAND, INCLUDING PARTS OF ISLANDS, INTERCONNECTING WATERS AND OTHER NATURAL FEATURES WHICH ARE SO CLOSELY INTERRELATED THAT SUCH ISLANDS, WATERS AND OTHER NATURAL FEATURES FORM AN INTRINSIC GEOGRAPHIC, ECONOMIC AND POLITICAL ENTITY, OR WHICH HISTORICALLY HAVE BEEN REGARDED AS SUCH UNQUOTE. THE POINT WAS MADE THAT THE EMPHASIS ON AN ARCHIPELAGO AS A POLITICAL ENTITY WAS DELIBERATELY DESIGNED BY INDONESIA AND OTHER ISLAND STATES TO FOSTER INTERNATIONAL ACCEPTANCE OF IDEA THAT ISLANDS WITHIN CIRCLE OF ARCHIPELAGIC LINES ARE A POLITICAL WHOLE. US DELS EMPHASIZED THIS COULD HAVE EFFECT ON SPANISH ISLAND GROUPS EXACTLY OPPOSITE WHAT IS DESIRED BY SPANISH DELS; I.E., ENCOURAGE ISLAND SEPARATISTS TO SAY THEY ARE POLITICAL ENTITIES IN OWN RIGHT BY VIRTUE OF ARCHIPELAGIC STATUS.

6. SPANISH DELS WERE AGAIN SOMEWHAT TAKEN ABACK AND INDICATED THEY HAD NOT FULLY GRASPED THIS ASPECT OF ARCHIPELAGOS. OXMAN REEMPHASIZED FACT THAT SNT SECTION ON ARCHIPELAGOS WIDELY ACCEPTED IN CONFERENCE AS WRITTEN AND THAT ARTICLES TO WHICH WE REFERRED UNLIKELY TO CHANGE. AMBASSADOR PINIES STATED IN ASIDE TO MORRIS BUT HEARD BY ALL THAT HE HAD WARNED AGAINST ARCHIPELAGIC STATUS AND THAT ARGUMENTS ADVANCED BY US DELS HEIGHTENED HIS PERSONAL BELIEF THAT ECONOMIC ZONES FOR THEIR ISLANDS WERE BETTER THAN A DUBIOUS ARCHIPELAGIC STATUS. CAPTAIN MORETON, SPANISH NAVY, SUPPORTED PINIES ON THIS.

SECRET

SECRET

PAGE 04 USUN N 01525 130234Z

7. AMB. LEARSON AGAIN MADE CLEAR THAT US POSITION ON STRAITS WOULD NOT WAVER AND THAT THIS WAS TRULY FUNDAMENTAL TO ALL NATIONS' BEST INTERESTS. MEETING ENDED CORDIALLY WITH BOTH DELEGATIONS INDICATING MEETING WAS USEFUL. ADMIRAL MORRIS IS DINING WITH SPANISH NAVY AND MERCHANT MARINE DELS ON APRIL 14 AND WILL TEST REACTIONS; US DEL WILL REPORT RESULTS.

8. FOR MEETING IN REFTELS, SUGGEST AMBASSADOR COULD DRAW ON SUBSTANTIVE POINTS PARAS 3, 4 AND 5 REGARDING FISHING RIGHTS IN ARCHIPELAGOES BEING MORE LIBERAL THAN THOSE IN PROPOSED ECONOMIC ZONES AND FACT THAT PROBABLE DEFINITION OF ARCHIPELAGOES IN TEXT WOULD ENCOURAGE ISLAND SEPARATISTS IF IT APPLIED TO THEM. ALSO USEFUL

TO POINT OUT THAT TRUE INTERESTS OF SPANISH LIE IN INSURING
FULL RIGHTS OF ISLANDS TO ECONOMIC ZONES AND THAT U.S.
WILLING TO WORK WITH THEM TO INSURE THIS,
PRESUMING THEY ARE READY TO ACCEPT INEVITABLE MOVEMENT
TO TRANSIT PASSAGE. VERY HELPFUL HERE, WE THINK,
TO DRAW ON SECRETARY KISSINGER'S NYC SPEECH OF
8 APRIL WHEREIN SNT STRAITS POSITION (AND CONFERENCE
MOVEMENT TO ACCEPT IT) ARE ACCOMPLISHED FACT. AS FINAL
POINT ON OVERFLIGHT, MIGHT BE USEFUL TO PRESS AGAIN
POINT MADE WITH SPANISH MILITARY AT CARACAS AND GENEVA
BY ADMIRAL MORRIS; I.E., STRAITS ARTICLES ARE PROTECTION FOR
SPANISH IN CASE OF FUTURE CRISIS IN MED BY INSULATING
THEM FROM PRESSURES TO CLOSE STRAITS TO OVERFLIGHT, ETC.
BY ONE PARTY, AND PRESSURES TO KEEP ONE BY ANOTHER.
SCRANTON

SECRET

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, FOREIGN POLICY POSITION, ARCHIPELAGOS, STRAITS, DIPLOMATIC DISCUSSIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 13 APR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: coburnhl
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976USUNN01525
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760138-0932
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760465/aaaacdiz.tel
Line Count: 184
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION DLOS
Original Classification: SECRET
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: SECRET
Previous Handling Restrictions: n/a
Reference: 76 MADRID 2782, 76 MADRID 2847
Review Action: RELEASED, APPROVED
Review Authority: coburnhl
Review Comment: n/a
Review Content Flags:
Review Date: 04 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <04 MAY 2004 by buchant0>; APPROVED <07 SEP 2004 by coburnhl>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS: APPROACH TO GOS ON LOS
TAGS: PLOS, SP, US
To: MADRID STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006